THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.24003 OF 1995

DATED: 01-02-2007

Between:

K. Usha Rani

.. Petitioner

and

The Executive Registrar, Nizam's Institute of Medical Sciences, Hyderabad and others.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.24003 OF 1995

ORDER:

This writ petition is filed seeking a mandamus declaring the action of the 1st respondent in promoting the 2nd respondent to two promotional cadres and also promoting the 3rd respondent vide Rc.No.B/206/90-E1 dated 06.02.1996, without considering the claims of the petitioner, as arbitrary and illegal.

It appears, the petitioner was appointed on regular basis in Nizam's Institute of Medical Sciences as Medical Record Assistant with effect from 12.10.1989. It is her grievance that the 2nd respondent was brought from different cadre and was appointed as Medical Record Technician with effect from 05.02.1992 along with some other persons. According to the petitioner, she was not aware of the conversion and promotion of the 2nd respondent to the post of Medical Record Technician and she came to know about the said fact only when the 3rd respondent was promoted as Medical Record Technician with effect from 06.02.1996. The 2nd respondent was further promoted to the post of Additional Medical Records Officer with effect from 17.09.1995. Further, according to the petitioner, she is the senior most in the cadre of Medical Record Assistant. The 2nd respondent as well as the 3rd respondent are juniors to her in the cadre of Medical Record Assistant. Thus, while considering promotion of the

respondents 2 and 3 to the post of Medical Record Technician with effect from 05.02.1992 and 06.02.1996 respectively, the case of the petitioner was not taken into consideration and her candidature was not at all considered. Therefore, it is her grievance that she is entitled for being considered for promotion to the post of Medical Record Technician with effect from 05.02.1992 i.e. the date on which the 2nd respondent was promoted.

May be the petitioner is entitled for promotion, but it is a fact that the petitioner did not challenge the proceedings dated 05.02.1992 promoting the 2nd respondent as Medical Record Technician, immediately when they were issued. However, the challenge is made now vaguely after the subsequent promotion of the 2nd respondent as Additional Medical Records Officer. This all shows that the petitioner has heartburn as the respondents 2 and 3 marched ahead of her in the cadre of Medical Record Technician as well as Additional Medical Records Officer.

In view of the above, without expressing any opinion on merits of the case, the 1st respondent is directed to consider the case of the petitioner for being promoted to the post of Medical Record Technician with effect from 1992 or 1996, as per her eligibility, if she is otherwise eligible, and also consider her case for further promotion to the post of Additional Medical Records Officer, if she is promoted to the post of Medical Record Technician, along with others and communicate the same to the petitioner. This exercise shall be done within a period of three months

from the date of receipt of a copy of this order.

With the above directions, the writ petition is disposed of. No costs.

C.V. RAMULU, J

1st February, 2007.

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